

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

This amendment makes the income policy for the coverage group “Medicaid for Children with Disabilities,” also known as “Medicaid for Kids with Special Needs,” less restrictive. The Department implemented this coverage group January 1, 2009, as directed by 2008 Iowa Acts, chapter 1188, section 55. Upon review of the Medicaid State Plan amendment for this group, the Centers for Medicare and Medicaid Services has advised the Department that the state cannot apply an income policy more restrictive than that in effect for the federal Supplemental Security Income (SSI) program. The reason for this interpretation is that Iowa has an agreement under Section 1634 of the Social Security Act in which the state agrees to authorize Medicaid eligibility based upon a person’s entitlement to SSI benefits.

As originally promulgated, subrule 75.1(43) followed SSI policy except for the exclusions and deductions that SSI allows to be applied to a disabled person’s income when determining eligibility. This amendment removes that exception and allows all of SSI’s income exclusions and deductions, such as the deduction of \$65 plus one-half of any earned income for the household. The result will be that more children could attain eligibility under this coverage group.

This amendment does not provide for waivers in specified situations because it removes a restriction on eligibility.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on August 12, 2009, as **ARC 8040B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on October 14, 2009.

The Department finds that this amendment confers a benefit on families of children with disabilities by making it easier to qualify for assistance. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of this amendment is waived.

This amendment is intended to implement Iowa Code section 249A.3.

This amendment became effective on October 15, 2009.

The following amendment is adopted.

Amend subparagraph **75.1(43)“d”(3)** as follows:

(3) For this purpose, the income of all persons included in the child’s household shall include all earned and unearned income as defined for purposes of the Supplemental Security Income program by 20 CFR Sections 416.1102, 416.1103, 416.1110, 416.1111, and 416.1120 to 416.1123 as amended to August 20, 2008, without regard to exclusions or deductions from income applied in determining eligibility for Supplemental Security Income be determined as provided for SSI-related groups under subrule 75.13(2).

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